



## All students deserve counseling

By Mitch Goldsmith | Columns | Originally Published: 02/07/12 6:59pm |

Last week, the U.S. Court of Appeals for the 6th Circuit ruled on an appeal filed by Julea Ward, a former graduate student in Eastern Michigan University's counseling program.

Ward, a prospective school counselor, was expelled from the program in early 2009 after she violated the American Counseling Association's Code of Ethics — the guiding protocols for American counseling programs — when she refused to counsel lesbian, gay, bisexual and transgender people during her counseling practicum.

The American Counseling Association's Code of Ethics bars counselors or would-be counselors from discriminating against those seeking their services or imposing their own biases, values or beliefs on to their clients.

In her initial case against EMU, Ward argued the university's decision to expel her violated her right to due process and freedom of expression.

However, the court disagreed. In his ruling, the Judge found that Ward's views differed so greatly from the basic underpinnings of the program's curriculum that the two were incompatible. The court surveyed campus speech codes and various university policies from universities around the country and found that the counseling program's policies regulating speech were so narrow in their application that they were constitutionally valid and in line with other school policies that had passed constitutional scrutiny in previous suits.

In his ruling affirming EMU's decision to remove Ward, the judge wrote that Ward "knew the university's curricular goal of teaching students to counsel without imposing their personal values on their clients by setting up boundaries so as not to be judgmental" and that her refusal to "counsel homosexuals on non-relationship issues demonstrates her lack of understanding of the nature of counseling."

The judge explained that "Counseling is unpredictable, especially in a school setting where problems are not always apparent on their face. A counselor's job is to facilitate answers that are right for the client. Choosing particular issues that a counselor will agree to discuss with a client is not practical in the real world."

Despite the court ruling, last week the U.S. Court of Appeals for the 6th Circuit raised questions concerning several portions of the previous judgment dismissing the suit and has reinstated Ward's case, sending it back to the lower court.

Seen as a boon by Ward and her defense team, EMU will again have to defend their reliance of American Counseling Association standards.

Sadly, the appeals court ruling seemed to confuse the actual crux of the case. As EMU spokesman Walter Kraft wrote in the Detroit Free Press last week, "the case of Julea Ward has never been about religion or religious discrimination ... (and) it is not about homosexuality or sexual orientation."

"This case" Kraft continues, "is about what is in the best interest of a person who is in need of counseling."

Ahead of the 6th Circuit's ruling, several groups filed briefs in support of EMU, including the University of Michigan and the American Civil Liberties Union. As the ACLU and other groups have argued, "LGBT students in crisis should be able to turn to a school counselor for help without fearing rejection or judgment."

As school bullying against gay students — or students who are perceived to be gay — rises and gay youth begin to take their own lives, it is unconscionable that Ward and her attorneys would argue that she has the right to pick and choose who she wishes to help.

If Ward and her attorneys were to prevail in their suit, the counseling profession would be turned upside down, with therapists able to discriminate against some of their most vulnerable clients. This ruling would not only affect LGBT persons, but also those in interfaith relationships, those who are not married but sexually active and a host of other people whose lifestyles differ from their counselors, as the ACLU has pointed out.

As the legal teams for EMU and Ward prepare to present their arguments in court again, it is imperative MSU and other groups and organizations with a vested interest in the outcome of this case file friend-of-court-briefs and in other ways demonstrate their support for EMU's decision.

Those who reach out to counselors and therapists should be treated with dignity and compassion, not met with bigotry and discrimination.

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